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<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/664,640	KAWANABE ET AL.
	Examiner Arnel C. Lavaras	Art Unit 2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 5/26/05.
2.  The allowed claim(s) is/are 1-6,8-13 (renumbered 1-12).
3.  The drawings filed on 17 September 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

THONG NGUYEN  
PRIMARY EXAMINER  
GROUP 2800

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to the specification of the disclosure in the submission dated 5/26/05 are acknowledged and accepted. In view of these amendments, the objections to the specification in Section 4 of the Office Action dated 1/27/05 are respectfully withdrawn.
2. The amendments to Claims 1-6 in the submission dated 5/26/05 are acknowledged and accepted. In view of these amendments, the objections to the claims in Section 5 of the Office Action dated 1/27/05 are respectfully withdrawn.
3. The cancellation of Claim 7 in the submission dated 5/26/05 is acknowledged and accepted. In view of this amendment, the rejection of Claim 7 in Section 7 of the Office Action dated 1/27/05 is respectfully withdrawn.
4. The addition of Claims 8-13 in the submission dated 5/26/05 is acknowledged and accepted.

### ***Allowable Subject Matter***

5. Claims 1-6, 8-13 are allowed.

## **REASONS FOR ALLOWANCE**

6. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set

forth in Claim 1, the microscope apparatus including, in combination, a controller which controls the supply of power to the sensor from the power supply in accordance with a drive control signal sent from the drive controller to the driver. Claim 2 is dependent on Claim 1, and hence is allowable for at least the same reasons that Claim 1 is allowable.

Claim 3 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 3, the microscope apparatus including, in combination, a controller which controls the supply of power to the second sensor from the power supply in accordance with a drive control signal sent from the drive controller to the second driver. Claims 4-5 are dependent on Claim 3, and hence are allowable for at least the same reasons that Claim 3 is allowable.

Claim 6 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 6, the microscope apparatus including, in combination, a state detection section which detects an exposure state of the imager; and a controller which stops the supply of power to the sensor depending on the exposure state of the imager, which is detected by the state detection section.

Claim 8 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 8, the microscope apparatus including, in combination, a sensor power supply controller which controls the supply of power to the sensor from the power supply in accordance with a drive control signal sent from the drive controller to the actuator.

Claim 9 is dependent on Claim 8, and hence is allowable for at least the same reasons that Claim 8 is allowable.

Claim 10 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 10, the microscope apparatus including, in combination, a sensor power supply controller which controls the supply of power to the second sensor from the power supply in accordance with a drive control signal sent from the drive controller to the second actuator. Claims 11-12 are dependent on Claim 10, and hence are allowable for at least the same reasons that Claim 10 is allowable.

Claim 13 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 13, the microscope apparatus including, in combination, a drive controller which detects an exposure state of the imager; and a sensor power supply controller which controls the supply of power to the sensor from the power supply in accordance with the exposure state of the imaging unit detected by the drive controller.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

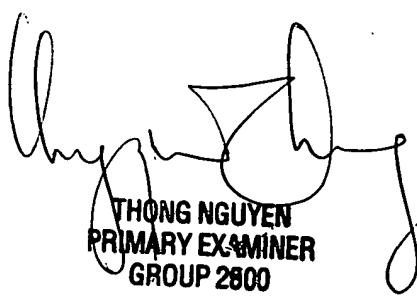
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Arnel C. Lavarias  
8/2/05

  
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